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Counsel for all Plaintiffs

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

**PEACE AND FREEDOM PARTY, et. al.,**  
  
Plaintiffs,  
  
**v.**  
  
**DR. SHIRLEY N. WEBER, CALIFORNIA**  
**SECRETARY OF STATE,**  
  
Defendant.

3:24-cv-08308-MMC

**DECLARATION OF DAVID I. SCHOEN  
IN SUPPORT OF STIPULATION AND  
JOINT REQUEST TO MODIFY  
BRIEFING SCHEDULE ON MOTIONS  
TO DISMISS THE FIRST AMENDED  
COMPLAINT**

**(L.R. 6-2)**

Courtroom: 7  
Judge: Hon. Maxine M. Chesney  
Trial Date: None set  
Action Filed: November 21, 2024

I, David I. Schoen, hereby declare as follows:

1. I am counsel for all Plaintiffs in this action. I make this declaration in support of the parties' Stipulation and Joint Request to Modify the Briefing Schedule on the outstanding Motions to Dismiss First Amended Complaint.
2. Plaintiffs filed the First Amended Complaint ("FAC") in this action on February 21, 2025. ECF No. 31.

1 3. The parties' attorneys then conferred and stipulated to a briefing schedule and hearing date  
2 of June 27, 2025, for Defendant and Defendant-Intervenors' then-forthcoming motions to dismiss  
3 the FAC. The parties filed with the Court a Stipulation and Joint Request for an order adopting  
4 this briefing schedule and hearing date. ECF No. 32.

5 4. On March 4, 2025, the Court issued an Order adopting the stipulated briefing schedule but  
6 setting a hearing date of July 11, 2025. ECF No. 33.

7 5. On April 22, 2025, the Court entered an Order adopting the parties' stipulation and joint  
8 request to move the hearing date on the motions to dismiss to August 22, 2025, ECF No. 38.

9 6. Based on an unforeseeable personal issue that has arisen for Plaintiffs' counsel (the  
10 undersigned), the need to seek a modification of the briefing schedule has arisen.

11 7. Counsel for all parties have therefore conferred, considered respective schedules and agreed  
12 to ask the Court to modify the briefing schedule on the motions to dismiss to continue Plaintiffs'  
13 response in opposition from May 29, 2025 to June 26, 2025 and the moving parties' respective  
14 reply date from June 13, 2025 to July 28, 2025. The parties have all agreed that the hearing date  
15 of August 22, 2025 and the Case Management Conference date of October 25, 2025, can remain  
16 the same if agreeable to the Court. If the August 22, 2025 hearing date would not work for the  
17 Court in light of the modified briefing schedule, counsel for all parties can be available for a  
18 hearing on the motions to dismiss on the alternative date of October 17, 2025.

19 8. Previous time modifications in this case have occurred as follows:

- 20 • On December 18, 2024, Defendant Weber filed a stipulation and thereby obtained a  
21 29-day extension of time to respond to the original Complaint. ECF No. 11.
- 22 • On February 3, 2025, the Court continued the initial case management conference  
23 from February 21 to June 20, 2025. ECF No. 22.
- 24 • On March 4, 2025, as described above, the Court issued the Order setting the briefing  
25 schedule and hearing date on the motions to dismiss the FAC and continued the case  
26 management conference to September 12, 2025. ECF No. 33.

- On April 22, 2025, as described above, the Court entered an Order on the parties' stipulation and joint request, setting the hearing date for August 22, 2025 and the Case Management Conference date for October 24, 2025

I declare under penalty of perjury that the foregoing is true and correct. Executed on this 20<sup>th</sup> day of May, 2025, in Atlanta, Georgia.

/s/ David I. Schoen

David I. Schoen